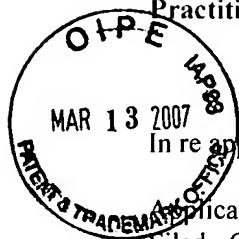


AF
CW

Practitioner's Docket No. 2960/112

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Lang et al.

Application No.: 10/681,749

Group No.: 3733

Filed: October 7, 2003

Examiner: Philogene, P.

For: Minimally Invasive Joint Implant with 3-Dimensional Geometry Matching the Articular Surfaces

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP
3733**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is a Response after final rejection (37 C.F.R. 1.116) for this application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Signature

Date: March 9, 2007

Alexander J. Smolenski, Jr.

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

STATUS

2. Applicant is a small entity. Small entity status was previously asserted.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)		SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	122	MINUS	122	= 0	x \$ 25.00	= \$ 0.00
INDEP	19	MINUS	19	= 0	x \$ 100.00	= \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+ \$ 0.00	= \$ 0.00
TOTAL						\$ 0.00
ADDIT. FEE						

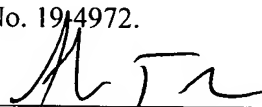
No additional fee for claims is required.

FEE DEFICIENCY

5. If any extension and/or fee is required, charge Account No. 19-4972.

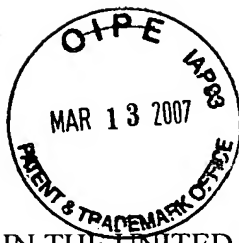
If any fee for claims is required, charge Account No. 19-4972.

Date: March 9, 2007



Alexander J. Smolenski, Jr.
Registration No. 47,953
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
617-443-9292
Customer No. 02101

02960/00112 631979.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lang et al. Att'y Docket: 2960/112 (previously 6750-0010)
Appln. No.: 10/681,749 Filing Date: October 7, 2003
Customer No.: 02101 Confirmation No.: 8140
Examiner: Philogene, P. Art Unit: 3733
Invention: Minimally Invasive Joint Implant with 3-Dimensional Geometry Matching the
Articular Surfaces

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on March 9, 2007.


Alexander J. Smolenski

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. §1.116-EXPEDITED PROCEDURE
EXAMINING GROUP 3733

Dear Sir:

Applicants respectfully submit this response and requests that the following amendments and remarks, in response to the Final Office Action mailed January 9, 2007, be considered.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 17 of this paper.